

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

New claims 25-27 recite the microorganism species recited in claim 10, and are supported by Examples 1-5. Applicants do not believe that claims 25-27 introduce new matter.

The sole issue for consideration is the rejection of claims 10-16, 19 and 20 under 35 USC § 112, first paragraph, as not satisfying the enablement requirement. In response, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

At the top of page 3 of the final rejection, the Examiner takes the position that “claims 10-16, and 19-24 (sic) are drawn to microorganism *with no limitation to the species* (emphasis added).” This is clearly incorrect, as main claim 10 provides in clause a) “reducing compounds of the formula (I) * * * by contacting said compounds of formula (I) with microorganisms *selected from the group consisting of Saccharomyces cerevisiae NG 247, Saccharomyces cerevisiae Y278 and Geotrichum candidum ATCC 34614* (again emphasis added).” Clearly, claim 10 requires the use of certain microorganism species and the Examiner is incorrect in finding that the claims are drawn to microorganisms with no limitation to the species.

Moreover, as previously pointed out, the recited species are publicly available. Therefore, the claims are believed to be enabled without the need for a deposit. In any event, the

Examiner has not explained why a deposit is still needed in spite of the fact the species are publicly available.

In view of the foregoing, Applicants respectfully submit that the Examiner would be fully justified to reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

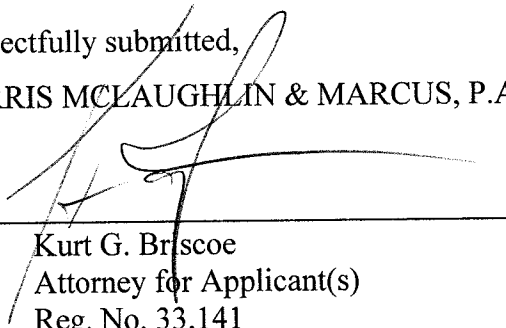
Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By



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